IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.426 OF 2004
IN
CHAMBER SUMMONS NO.624 OF 2003
IN
SUIT NO.3535 OF 2000

M/s.Konark Builders Pvt.Ltd. .. Appellant

v/s.

Ramakant Shankarlal Damohe & ors. .. Respondents

Mr.A.K.Rao for appellant.

Mr.A.Y.Bookwala i/by M/s.Dadhich & Co. for respondents.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 14th December, 2004

P.C.

Heard Mr.A.K.Rao, the learned counsel for the appellant and perused the impugned order.

2. We do not find any legal infirmity in the observation of the learned Chamber Judge that the proposed parties are neither necessary nor proper parties in the suit. Appeal is, accordingly, dismissed in limine.

3. We, however, clarify that if the appellant seeks amendment in the plaint unconnected and unconcerned with the proposed parties, fresh application may be made and if such an application is made, it would be heard and decided by the

learned Chamber Judge uninfluenced by the impugned order.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)